IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

AT HARRISONBURG, VA	
for Roanske SEP 3 0 2010	
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JULIA C. DUDLEY, CLERK
BY: K. Stuseina
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)
UNITED STATES OF AMERICA,)
) Case No. 7:06CR00002
) (Case No. 7:10CV80278)
v.)
) FINAL JUDGMENT AND ORDER
)
HARVEY LEE HAYES, JR.,) By: Glen E. Conrad
) Chief United States District Judge
Defendant.)

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

that the motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 is hereby **DISMISSED** as untimely, and the action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this judgment and order to the defendant.

ENTER: This 30 day of September, 2010.

Chief United States District Judge

Jam Como